

REMARKS

Applicants respectfully submit this Amendment in response to the non-final Office Action mailed on January 27, 2010.

In the Office Action, Figures 1 and 2 were objected to; claims 1-9 and 11-15 were rejected under 35 U.S.C. § 112, second paragraph; claims 1, 2, 6-9, and 11-15 were rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Garrill (U.S. Patent No. 6,390,291); claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Garrill; and claim 5 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Garrill in view of Wetterlin (U.S. Patent No. 4,524,769).

By this Amendment, Applicants cancel claims 1-15 and add new claims 16-32. After entry of this Amendment, claims 16-32 will remain pending in this application. Of those, claim 16 is the sole independent claim.

Applicants respectfully traverse the rejections and submit that the pending claims are now in condition for allowance, for at least the reasons set forth below.

Substance of the Examiner's Interview

Applicants appreciate the Examiner's grant of the personal interview that was conducted on March 30, 2010.

During the interview, Applicants' representatives argued that the rejections of claims 1-9 and 11-15 based on Garrill should be withdrawn. Nevertheless, in the interest of advancing the prosecution and allowance of this application, Applicants

presented new claims 16-32, as reflected in the attached claim amendments, to the Examiner for discussion.

The Examiner suggested that new claims 16-32 would be allowable over Garrill, but indicated that an additional search of the prior art would need to be performed upon entry of these amendments. The Examiner also guided Applicants to submit replacement sheets for Figures 1 and 2, having amendments as reflected in the attached replacement sheets. Applicants thus request an indication that the pending claims are allowable.

Objection to the Drawings

Figure 1 stands objected to as containing “box representation of elements that are merely labeled or indicated by element numbers,” and Figure 2 stands objected to as containing “written matter that should be indicated by alpha numeric representation.”

By this Amendment, Applicants have submitted replacement drawing sheets for Figures 1 and 2. The replacement sheet for Figure 1 includes proper labels for the boxed elements. The replacement sheet for Figure 2 includes alpha numeric representation of the elements. Applicants have also amended the last paragraph of the application to make a proper reference to the new alpha numeric representation of elements. Applicants believe that no new matter has been added by the amendments to the drawings and specification.

Accordingly, Applicants submit that Figures 1 and 2 are now in proper form, and request that the objections to the drawings be withdrawn.

Rejection of Claims 1-9 and 11-15 under § 112

Claims 1-9 and 11-15 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. In particular, the Examiner objected to Applicants' use of the word "optionally" in the claims.

By this Amendment, Applicants have cancelled claims 1-15, and added new claims 16-32, none of which include the word "optionally." Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112 be withdrawn.

Rejection of Claims 1, 2, 6-9, and 11-15 based on Garrill

Applicants respectfully traverse the rejection of claims 1, 2, 6-9, and 11-15 under 35 U.S.C. § 102(b) as allegedly being anticipated by Garrill. Claims 1-15 have been cancelled by this Amendment, and Applicants now only address the rejections based on Garrill to the extent that the Examiner might consider them relevant to newly-added claims 16-32. Applicants submit that new independent claim 16 is patentably distinguishable over Garrill as acknowledged by the Examiner in the Interview Summary, and for at least the reasons set forth below.

Independent claim 16 now recites a, "method of processing an inhaler component of a dry powder inhaler, the method comprising:

exposing the inhaler component, in a chamber, to a gas at a first pressure of no more than 200 mbar;

exposing the inhaler component, in the chamber, to gas at a second pressure greater than the first pressure; and

repeating the exposure of the inhaler component to gas at a pressure no greater than 200 mbar;

wherein the exposing steps reduce an electrostatic charge of the inhaler component." (Emphasis added).

As acknowledged by the Examiner during the interview, Garrill merely discloses a package for storing a pressurized container containing a drug, where the package is sealed to prevent the ingress of water vapor and particulate matter into the package, while permitting egression of any propellant that leaks from the pressurized container. (Col. 8, ll. 24-27; Col. 14, ll. 20-34.)

However, Garrill fails to teach or even suggest at least, "exposing the inhaler component, in the chamber, to gas at a second pressure greater than the first pressure; and repeating the exposure of the inhaler component to gas at a pressure no greater than 200 mbar; wherein the exposing steps reduce an electrostatic charge of the inhaler component," as recited in independent claim 16. (Emphasis added).

In view of the foregoing, Applicants respectfully submit that Garrill fails to teach or suggest each and every element of pending claim 16, as required under 35 U.S.C. § 102(b), and respectfully request that claim 16 be allowed.

Claims 17-32 depend from independent claim 16, and are therefore allowable over Garrill at least due to their dependence from independent claim 16 and for their additional recitations of patentable subject matter.

Rejection of Claims 3-5 under § 103(a)

Applicants respectfully traverse the rejections of claims 3 and 4 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Garrill; and the rejection of claim 5 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Garrill in view of Wetterlin. Nevertheless, claims 3-5 have been cancelled by this Amendment, and Applicants submit that the rejections of claims 3-5 should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Should it be necessary to resolve any additional concerns and expedite the issuance of a Notice of Allowance, the Examiner is invited to contact Applicant's undersigned representative at (202) 408-4000.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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